

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARCELO MUTO, NOAH BREEZE,  
and all others similarly situated,

Plaintiffs,

v.

FENIX INTERNATIONAL LIMITED;  
FENIX INTERNET LLC,

Defendants.

Case No. 5:22-cv-02164-SSS-KKx  
**ORDER GRANTING JOINT  
STIPULATION FOR  
CONSOLIDATION (Doc. 32)**

**NOTE CHANGES MADE BY  
COURT**

JOHN DOE 1 and JOHN DOE 2,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

FENIX INTERNET LLC, a Delaware  
limited liability corporation; FENIX  
INTERNATIONAL LIMITED, and  
DOES 1 through 20, inclusive,

Defendants.

Case No. 2:23-cv-03005-SSS-KKx

1       On May 9, 2023, Plaintiffs and Defendants in the above-captioned actions filed  
2 a Joint Stipulation for Consolidation.

3       The court, having considered the parties' Joint Stipulation for Consolidation  
4 and finding good cause, hereby **GRANTS** the Joint Stipulation for Consolidation and  
5 **ORDERS** as follows:

6       1. The following actions pending in this District shall be consolidated  
7 pursuant to Federal Rules of Civil Procedure 42(a):

8           a. *Muto, et al. v. Fenix International Limited, et al.*, Case No. 5:22-cv-  
9           02164-SSS-KKx ("Muto"); and

10          b. *John Doe 1, et al. v. Fenix Internet LLC, et al.*, Case No. 2:23-cv-03005-  
11           SSS-KKx ("Doe").

12       2. The consolidated case shall continue under the *Muto* caption and file  
13 number: *Muto, et al. v. Fenix International Limited, et al.*, Case No. 5:22-cv-02164-  
14 SSS-KKx. All future filings in the consolidated proceedings shall be made under  
15 that file number.

16       3. The Clerk of Court is **DIRECTED** to **CLOSE** the later-filed case,  
17           *John Doe 1, et al. v. Fenix Internet LLC, et al.*, Case No. 2:23-cv-03005-SSS-  
18           KKx.

19       4. The June 9, 2023, hearing on Defendants' Motion to Dismiss [Dkt. 16]  
20 in the *Muto* action and the May 30, 2023, deadline for Defendants to answer or  
21 otherwise respond to the First Amended Class Action Complaint in the *Doe* action  
22 are vacated.

23       5. Within 21 days of the entry of an order consolidating the above-  
24 captioned actions, Plaintiffs will file a consolidated complaint (the "Consolidated  
25 Complaint");

26       6. Within 21 days after the Consolidated Complaint is filed, Defendants  
27 will file an answer or otherwise respond to the Consolidated Complaint;

28       7. Within 21 days after Defendants respond to the Consolidated

1 Complaint, Plaintiffs will file their Opposition; and

2       8. Within 14 days after Plaintiffs file an opposition, Defendants will file  
3 their Reply.

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5 **IT IS SO ORDERED.**

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7 Dated: May 11, 2023

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SUNSHINE S. SYKES  
United States District Judge